

Information Sheet for Peddlers, Transient Vendors and Mobile Frozen Dessert Vendors

Germantown ordinance prohibits door to door solicitation and distribution of literature for commercial purposes. The selling of merchandise from vacant lots, parking lots and sheds is also prohibited. The ordinance is shown below.

Sec. 7-97. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Goods, wares or merchandise means any and all variety of merchandise items, whether handmade or manufactured, or services, whether personal or professional, categorized as, but not necessarily limited to, souvenirs, gifts, prizes, art/school supplies, cloth, clothing or wearing apparel, novelties, small appliances, works of arts or crafts, directional information and/or charts, street photographers, tools or mechanical devices of any nature.

Mobile frozen desserts vendor means any person who offers for sale, or sells to another, ice cream or other frozen dessert products from motor vehicles, human-powered vehicles, bicycles, three-wheeled vehicles, or any other form of mobile transportation conveyance, on the streets, public or private property, within the city.

Peddlers (hawker and huckster) means any person, whether a resident of the city or not, traveling by foot, automotive vehicle, wagon or any other type of transportation conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, nuts, landscaping products, trees, garden farm products or firewood, and offering and/or exposing the same for sale, or making sales without traveling from place to place or who shall sell or offer the same for sale from any type of transportation conveyance, vacant lots or temporary display stands. One who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler and subject to the provisions of this article.

Transient vendor means any person who brings into temporary premises and exhibits stock of merchandise, goods or wares to the public for the purpose of selling or offering to sell these items to the public. The term "temporary premises" shall mean premises as to which a business license for such vendor has not previously been issued including, but not limited to, any public place, parking lots, motor vehicles, trailers, vacant lots, tents, streets or any private property.

(Code 1986, § 27-2)

Cross references: Definitions generally, § 1-2.

Sec. 7-98. Sales restrictions.

It shall be unlawful anywhere in the city for any person, peddler, huckster, hawker, transient vendor or mobile frozen dessert vendor to sell or offer for sale on streets, public property, private property, from motor vehicles, vacant lots, temporary display stands, and all types of transportation conveyances, except as allowed elsewhere in this article, any goods of any nature including, but not limited to, the following: goods, wares, merchandise, foods, drinks, meats, fish, fruits, nuts, vegetables, firewood, trees, landscaping products and frozen desserts (except as allowed in this article).

(Code 1986, § 27-3)

Sec. 7-99. Mobile frozen dessert vendor and vehicle regulations.

- (a) Mobile frozen dessert vendors are allowed to sell ice cream and other frozen dessert products under the following conditions:
 - (1) Vendors must comply with any license required by the state, county and city.
 - (2) Vendors must comply with health department regulations.
 - (3) Vendors must carry the minimum amount of insurance required by state and county laws.
 - (4) Vehicles used to transport and dispense frozen desserts must meet all state and county regulations for such vehicles.
 - (5) Vendors shall not sell or dispense of their products from stationary locations in the city including, but not limited to, streets, city-owned property, parking lots, private property and vacant lots.
 - (6) Vendors shall not park or stop to sell their products within one-quarter mile of any boundary of a school zone area during the period from one hour before the start of school until one hour after the school day officially ends.
 - (7) Vendors shall not sell their products after sunset.
 - (8) A vendor shall make no sales until the vehicle is stopped and lawfully parked.
 - (9) A vendor shall sell only from the side of his vehicle away from moving traffic and as near as possible to the curb or side of the street.
 - (10) A vendor shall not sell to a person standing in the roadway.
 - (11) The driver of a vehicle shall not stop and back the vehicle to make or attempt to make a sale.
 - (12) The driver of every mobile frozen dessert vehicle shall, at all times when the vehicle is in motion or at a stop, take every reasonable precaution to protect the safety of his customers against traffic and other hazards.
 - (13) Vendors shall not operate in congested areas where the selling of his products will impede, cause a safety hazard or inconvenience the public.
- (b) For the purpose of this article, the judgment of a police officer, code compliance officer, city traffic engineer or any other appropriate city official acting in good faith shall be deemed conclusive to determine that an area is congested or unsafe for a mobile frozen dessert vendor to sell his products.
(Code 1986, § 27-4)

Sec. 7-100. Exceptions.

- (a) The provisions of this article shall not apply to newspaper delivery or to bona fide merchants who deliver goods in the regular course of business.
- (b) Charitable and nonprofit organizations who desire to sell Christmas trees from vacant lots or any other area of the city must obtain the approval of the board of mayor and aldermen.
- (c) Solicitors for charitable, nonprofit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise for future delivery are exempt from the provisions of this article, provided that these organizations meet the Internal Revenue Service criteria to qualify as a charitable, nonprofit or religious organization.
- (d) The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under freedom of speech, religion or press is exempt from this article.

- (e) Special civic events such as, but not limited to, horse shows, festivals and craft shows are exempt from this article.
- (f) The sale of goods, wares and merchandise from concession stands in public parks of the city, subject to the provisions of section 16-112 shall be exempt from this article.
- (g) The sale of crafts, vegetables, fruit and produce generally on the property of churches in the city, with the prior approval of the proper church officials and the board of mayor and aldermen, shall be exempt from this article.
(Code 1986, § 27-5)

Sec. 7-101. Enforcement.

The provisions of this article shall be enforced by any police officer, code compliance officer or other duly authorized official of the city.
(Code 1986, § 27-6)

Sec. 7-102. Penalty for violation of article.

Violations shall be punishable as a misdemeanor or according to the general penalty provisions found in section 1-10.
(Code 1986, § 27-7)